

APPENDIX 17

Page 40

[1] take it that that particular project was for
[2] that product line?
[3] **A:** Just carbon band.
[4] **Q:** Okay. Now, when you stated that in
[5] March of 2001 that there was a change to the
[6] engineering group who worked on a product line,
[7] what product line was it that you were assigned
[8] to?
[9] **A:** Carbon band.
[10] **Q:** Carbon band. But you did projects
[11] that involved other products; isn't that right?
[12] **MR. SIGEL:** During what time period?
[13] **MS. ELLIOTT:** We're talking about
[14] after 2000. March 2001.
[15] **A:** Yes. We took care of other projects
[16] that were needed when they — any kind of what
[17] we call fires, you know, where we need to take
[18] care of an issue at hand. But our main focus,
[19] otherwise, was to take care of the carbon
[20] product line, with the intention of going to the
[21] other product lines once we completed that one.
[22] **Q:** Okay. And with the roll bead unit
[23] project that you worked on, was that a fire, or
[24] just some project that you worked on?

Page 41

[1] **A:** That was just a — that was not a
[2] fire.
[3] **Q:** Okay. And the Normac programmer, was
[4] that a fire that you worked on, or was that
[5] something that was planned to be done?
[6] **A:** That was something that needed to be
[7] done continuously.
[8] **Q:** And the Line 18 product engineer
[9] project that you described, was that a fire, or
[10] was that something that you had planned to work
[11] on?
[12] **A:** That came later.
[13] **Q:** What do you mean "that came later?"
[14] **A:** That came after June of 2001.
[15] **Q:** Okay. I guess the time frame we're
[16] talking about is after March of 2001.
[17] **A:** Yes.
[18] **Q:** So any time after March of 2001.
[19] **A:** Correct.
[20] **Q:** Did you mean that came — you said
[21] that came after June of 2001?
[22] **A:** Right.
[23] **Q:** Okay, that's fine. The laser
[24] programmer, was that something that was a fire,

Page 42

[1] or something that you —
[2] **A:** That was continuous.
[3] **Q:** Okay. And the turbo tooth, that was
[4] something that was planned or was that a fire?
[5] **A:** That was planned.
[6] **Q:** Your supervisor, I'm assuming, filled
[7] out the Manager Assessment, but it's not signed,
[8] but he indicates that there was improvements to
[9] the Red Streak product line?
[10] **A:** Yes.
[11] **Q:** What was that about?
[12] **A:** Red Streak falls under the carbon
[13] band line, and that went along with us attacking
[14] that area, trying to improve the quality, to be
[15] able to keep up with the competition.
[16] **Q:** All right. And what, specifically,
[17] did you do in that product?
[18] **A:** We evaluated the whole process from
[19] start to finish, looking for areas where we
[20] might have damage points. I designed and
[21] developed a system that would keep the band
[22] separated at toothing, so they would not be
[23] hitting front to back.
[24] We also came up with putting

Page 43

[1] cardboard in between the coils to reduce
[2] material handling damage from picking them up
[3] with the paddles. Also, just going through and
[4] looking for any point in which, you know, there
[5] might be metal or metal contact.
[6] **Q:** And you mentioned "we." Were there
[7] other people who worked —
[8] **A:** Yes.
[9] **Q:** — with you on that project?
[10] **A:** This was a team effort.
[11] **Q:** And who was involved in that team?
[12] **A:** Primarily it was myself and the
[13] foreman.
[14] **Q:** And who was that foreman?
[15] **A:** Carl Edmunds.
[16] **Q:** Carl —
[17] **A:** Edmunds.
[18] **Q:** Okay. Now, on the second performance
[19] review, with regard to the projects that you
[20] told me that you worked on and this Red Streak
[21] line that's mentioned in the supervisor's notes
[22] here, did other persons work with you on those
[23] projects that you mentioned?
[24] **A:** I'm sorry, could you repeat that?

Page 52

[1] Q: All three. And the "all three"
 [2] you're referring to would be what?
 [3] A: Carbon, carbide, and welded edge.
 [4] Q: Was it your understanding that
 [5] someone else had — another engineer had been
 [6] assigned to other product lines after March of
 [7] 2001?
 [8] A: Can you repeat that?
 [9] Q: Was it your understanding that other
 [10] engineers had been assigned to other product
 [11] lines after March of 2001?
 [12] A: After March of 2001, we were all
 [13] assigned to carbon band.
 [14] Q: You were all assigned to carbon band?
 [15] A: All of us.
 [16] Q: And who's "all of us?"
 [17] A: The whole engineering group.
 [18] Q: And what if engineering aspects were
 [19] needed in — somewhere else? What happened?
 [20] A: As was needed, we would work on the
 [21] other areas, but we were to focus on this one
 [22] area when we had time.
 [23] Q: Okay. Number three of the goals, it
 [24] says, "To improve surface finish of Normac

Page 53

[1] ground items as to allow the produce of Red" —
 [2] I'm sorry, I read that one already. Excuse me.
 [3] Number four is, "To oversee the construction of
 [4] the new soft straightener and wash system." Do
 [5] you know what that was about?
 [6] A: That was the project that Lou had
 [7] started.
 [8] Q: Okay. And the one you explained
 [9] earlier, that you had finished?
 [10] A: Yes.
 [11] Q: "To implement a laser straightness
 [12] gauge at the Fischer Roll Leveler." What was
 [13] that one about?
 [14] A: We have in-line inspection where we
 [15] use three lasers to measure the changing sweep
 [16] on the back edge, and we have those implemented
 [17] on two of our roll levelers. Since we had
 [18] reimplemented the Fischer Roll Leveler, we
 [19] wanted to add a third one to be able to track
 [20] quality.
 [21] Q: And again, what particular product
 [22] line was that for?
 [23] A: That would be for welded edge metal
 [24] band.

Page 54

[1] Q: And the last one says, "To learn how,"
 [2] I assume they mean "learn how to program the
 [3] Kesel Millers and the Wire EDM." Is that the
 [4] CNC programming that we talked about, or was
 [5] that something else?
 [6] A: CNC programming.
 [7] Q: Okay. Is CNC programming something
 [8] that's mechanical engineering, or is it
 [9] something else?
 [10] A: Mechanical and manufacturing
 [11] engineering.
 [12] Q: Now, the Project Engineer Job
 [13] Description you said you reviewed, did someone
 [14] tell you to review that —
 [15] A: No.
 [16] Q: — job description?
 [17] A: No.
 [18] Q: How did you arrive at the decision to
 [19] look at that job description?
 [20] A: Jonathan gave me a copy.
 [21] MR. SIGEL: Objection. You don't
 [22] need to talk about any discussions we had.
 [23] That's attorney-client privilege.
 [24] Q: And the Product Engineer Job

Page 55

[1] Description that you mentioned you reviewed, was
 [2] that something that you decided to look at, or
 [3] something that someone told you to look at?
 [4] MR. SIGEL: Objection. Same
 [5] objection.
 [6] THE WITNESS: Do I still answer?
 [7] MR. SIGEL: Not — not if it's
 [8] something that's between you and I.
 [9] THE WITNESS: Okay.
 [10] Q: Did you have a conversation with Mr.
 [11] Sigel before coming here today?
 [12] MR. SIGEL: You can answer that.
 [13] A: Before coming here today?
 [14] Q: Yes.
 [15] A: Yes.
 [16] Q: Okay. And when was that?
 [17] A: Yesterday.
 [18] Q: Okay. And how long was that meeting?
 [19] A: Four and-a-half hours.
 [20] Q: Okay. And was there anyone else
 [21] present during that meeting?
 [22] A: Yes.
 [23] Q: Okay. And who was present?
 [24] A: Rick Brault, Peter Duperry, Dave

Page 56

[1] Witman, and Ilda —
 [2] **THE WITNESS:** Is it Thibodeau?
 [3] **MR. WITMAN:** Yes.
 [4] **Q:** Now, besides that meeting that you
 [5] had yesterday, did you have any conversations
 [6] with anyone else after receiving your subpoena
 [7] for this deposition?
 [8] **MR. SIGEL:** Objection.
 [9] **Q:** And up to today?
 [10] **MR. SIGEL:** Same objection. Any
 [11] conversations about what we —
 [12] **Q:** Besides Mr. Sigel, besides the
 [13] meeting that you had yesterday. Did you have
 [14] any conversations with anyone, after receiving
 [15] your subpoena for this deposition, about the
 [16] subject matter of this deposition?
 [17] **A:** Are you talking about the original
 [18] subpoena, the one that was —
 [19] **Q:** Right. There's only been one
 [20] subpoena.
 [21] **A:** Okay. I had a quick conversation
 [22] with Dave that day, just to find out what it was
 [23] all about.
 [24] (Witness indicating Mr. Witman.)

Page 57

[1] **Q:** Okay.
 [2] **A:** It had very little content of what it
 [3] was — what it was about.
 [4] **Q:** Okay. Did you talk to anybody else
 [5] besides Mr. Witman?
 [6] **A:** No.
 [7] **Q:** So your conversations relative to
 [8] this matter for which you're being deposed today
 [9] involved your meeting that you had yesterday,
 [10] which you told me about, with Mr. Sigel and the
 [11] others present that you mentioned?
 [12] **A:** Yes.
 [13] **Q:** And a brief conversation with Mr.
 [14] Witman?
 [15] **A:** Yes.
 [16] **Q:** And those are the only persons that
 [17] you've talked to?
 [18] **MR. SIGEL:** Objection.
 [19] **Q:** About this matter?
 [20] **A:** The day that I was talking with Mr.
 [21] Witman, Mr. Brault and Mr. Duperry were present.
 [22] **Q:** Okay.
 [23] **A:** We'd all received the subpoenas at
 [24] the same time.

Page 58

[1] **Q:** Okay. And did you have any
 [2] conversations with Mr. Brault about this matter?
 [3] **A:** Other than talking about that it was
 [4] coming up. But in terms of the content, no.
 [5] **Q:** Okay. Did you have any conversations
 [6] with Mr. Duperry about this matter?
 [7] **A:** Same thing, other than it was coming
 [8] up.
 [9] **Q:** Now, I'm going to show you what's
 [10] marked as a "Project Engineer Job Description."
 [11] Just take a look at that.
 [12] (Witness perusing document.)
 [13] **Q:** Is this the same project engineer
 [14] description that you reviewed prior to coming
 [15] here?
 [16] **A:** Yes.
 [17] **Q:** Now, as I understand your testimony,
 [18] you said that you never understood your job ever
 [19] to be that of project engineer?
 [20] **A:** Correct.
 [21] **Q:** Did you ever see an organizational
 [22] chart where you were listed as a project
 [23] engineer?
 [24] **A:** No.

Page 59

[1] **Q:** Did you have any idea what Mr.
 [2] Alberghini's job title was, when he was employed
 [3] there?
 [4] **A:** No.
 [5] **Q:** Did you ever ask him?
 [6] **A:** No.
 [7] **Q:** Did he tell you?
 [8] **A:** No.
 [9] **Q:** What was your understanding of what
 [10] his job was?
 [11] **A:** Engineer.
 [12] **Q:** Did anybody perform any — any
 [13] electrical engineering after March of 2001, to
 [14] your knowledge, on any of the products?
 [15] **A:** Not to my knowledge.
 [16] **Q:** Who was supposed to do electrical
 [17] engineering after March of 2001, if you know?
 [18] **A:** I do not know.
 [19] **Q:** In taking a look at this project
 [20] engineer job description, is there anything on
 [21] that job description, as far as duties, that you
 [22] would have performed at any time during your
 [23] employment at Simonds?
 [24] (Witness perusing document.)

Page 64

[1] A: Can I see that?

[2] Q: Sure. It's number three, I believe.

[3] (Witness perusing document.)

[4] A: By getting to know the process, like

[5] in number two. You know, you start knowing what

[6] to expect and possible trouble areas, and from

[7] that, sometimes you can see where you might see

[8] a possible improvement. Also, the guys that

[9] work on that machine day in, day out, since they

[10] know it even more intimately than the engineer,

[11] they might come up with an idea and they'll

[12] suggest it, and then it's up to the engineer to

[13] come up with all the specifics to actually make

[14] it work and build it.

[15] Q: And would that one also be important

[16] to manufacturing engineers and industrial

[17] engineers and electrical engineers?

[18] MR. SIGEL: Objection. At Simonds,

[19] or in general?

[20] Q: In general.

[21] A: Yes.

[22] Q: And what portion of the machinery at

[23] Simonds Industries had electrical components to

[24] it, if you know?

Page 65

[1] A: Well, a majority of them, obviously,

[2] require power to run. But to the depth of how

[3] intricate it might be, I do not know.

[4] Q: Okay. They have circuit boards,

[5] don't they, most of the machinery at Simonds

[6] Industries?

[7] A: Yes.

[8] Q: Circuit boards is something,

[9] typically, that electrical engineers work with;

[10] is that right?

[11] A: Yes. Actually, let me also state

[12] electrical engineers or electricians.

[13] Q: Okay. Back to the job description,

[14] it says, "Performs economic studies to justify

[15] new methods, processes and/or equipment." How

[16] did you do that? That's number four.

[17] (Witness perusing document.)

[18] A: Well, we can find out from the

[19] accountants what it would cost to — or, how

[20] much we would save by changing the routing so —

[21] so let's just use that for an example. By

[22] changing the routing, we can find out how long

[23] it would take to get a return on the investment

[24] and we can then, therefore, determine how long

Page 66

[1] it would take for the machine to be paid off

[2] that we would purchase.

[3] Q: Okay. Is that something that's

[4] generic to mechanical engineering, or does that

[5] involve other types of engineering as well, that

[6] particular duty?

[7] A: Are you talking about in general

[8] or —

[9] Q: In general.

[10] A: Yes.

[11] Q: The fifth one says, "Prepare capital

[12] expenditures for management approval." Is that

[13] something that industrial engineers, as well as

[14] manufacturing engineers, might get involved in?

[15] A: Yes.

[16] Q: "Installation plans for new

[17] equipment," did you engage in that while you

[18] were employed at Simonds?

[19] A: Yes.

[20] Q: Is there anything that you — well,

[21] let me rephrase that. I'm going to skip down to

[22] number ten, which says, "Performing numerous

[23] engineering calculations." Have you had to do

[24] much of that, while you were there at Simonds?

Page 67

[1] A: Not much, but occasionally, yes.

[2] Q: Okay. And how many times did you

[3] actually have to perform engineering

[4] calculations?

[5] A: I can't remember.

[6] Q: Was it more than five?

[7] A: Yes.

[8] Q: Ten?

[9] A: Yes.

[10] Q: More than twenty?

[11] A: I'm not sure, to that point.

[12] Q: Okay. More than fifteen?

[13] MR. SIGEL: Objection.

[14] Q: You can answer.

[15] A: I'm not sure.

[16] MR. SIGEL: Don't guess.

[17] A: I'm not sure.

[18] Q: But not a lot, right?

[19] MR. SIGEL: Objection.

[20] A: I'm not sure.

[21] Q: Is it something you do every day?

[22] A: No.

[23] Q: Once a week?

[24] A: No.

APPENDIX 18

33

1 Q. Okay.

2 A. I was doing work for the carbide
3 tip machines that were coming in, installing
4 those in place. I did modifications to those
5 machines also.

6 Q. Do you remember specifically what
7 projects you were working on with Rick Brault?

8 A. That was the reciprocating project.
9 Now, what projects was I doing?

10 Q. If I said power tool accessory
11 manufacturing lines, does that refresh your
12 memory?

13 A. That's the recip line, yes.

14 Q. Can you tell me -- can you describe
15 what that -- what those duties involved on
16 your part?

17 A. One of the projects was I was
18 setting up some shelving in an area. Another
19 project was I was interacting with an outside
20 vendor. I don't remember what they were
21 doing. That's all I can remember.

22 Q. Okay. Do you remember what
23 Mr. Brault's part of the project was?

24 A. If I remember correct, Rick was

34

1 heading it up.

2 Q. So --

3 A. The whole thing.

4 Q. Okay. So he oversaw you with
5 respect to that project?

6 A. With respect to the project, yeah.
7 In other words, I got my orders from Steve, my
8 boss, and I worked with Rick. Yes.

9 Q. And by "Steve" do you mean Steve
10 Niemi?

11 A. That's correct.

12 Q. Do you recall what Steve's position
13 was at the time?

14 A. I think he was -- I'm pretty sure
15 he was the manager of engineering.

16 Q. Okay. And was that the position he
17 held at the time of your layoff in May of
18 2001 --

19 A. Yes.

20 Q. -- to your recollection?

21 A. To my recollection, yes.

22 Q. So you said that Rick's duties
23 regarding the project were to oversee the
24 project?

35

1 A. I believe so.

2 Q. Do you recall what, if any,
3 engineering duties he had regarding the
4 project?

5 A. No.

6 Q. And I don't know if you can answer
7 this question or not, but do you contend that
8 you could have performed Mr. Brault's part of
9 the project?

10 A. Yes, I believe so.

11 Q. How can you answer that if you
12 don't know what his duties were specifically
13 regarding the project?

14 A. Engineering isn't that hard. You
15 just got to follow through with it. It's just
16 a lot of -- at Simonds, it was just to -- you
17 didn't do that much design, you just were
18 given projects and you broke them down and got
19 them done. It isn't -- it's not rocket
20 science.

21 Q. So when you say engineering isn't
22 that hard, do you mean any kind of
23 engineering?

24 A. I think electrical engineering is a

36

1 lot harder than mechanical.

2 Q. And you were an electrical
3 engineer, right?

4 A. Yes.

5 Q. But you were not a mechanical
6 engineer, correct?

7 A. Not according to Simonds I wasn't,
8 no. Although they gave me mechanical jobs to
9 do, projects to carry out.

10 Q. Well, it's true, isn't it, that you
11 could perform certain mechanical functions but
12 not necessarily need to be a mechanical
13 engineer, right?

14 A. Say that again?

15 Q. Well, you said you were given
16 certain mechanical assignments. But those
17 assignments that you performed that were
18 mechanical in nature didn't necessarily
19 require you to be a mechanical engineer,
20 right?

21 A. Right, because I wasn't a
22 mechanical engineer.

23 Q. And what mechanical duties, as you
24 have characterized them, did you perform at

37

1 Simonds?
2 **A.** Well, I was designing a device to
3 measure angles on a -- on the carbide line and
4 attached a device that would measure the
5 angles. I was designing a lot of sensor
6 attachments that we were measuring location of
7 the blades. That's in rule as well as in the
8 saw line.
9 **Q.** Which involved electrical skills,
10 correct?
11 **A.** As well as mechanical.
12 **Q.** Okay. What were the mechanical
13 aspects of the job?
14 **A.** Getting the device mounted into the
15 machine so that it wouldn't interfere with the
16 operation but would detect whether position or
17 size or whatever.
18 **Q.** So you're saying physically getting
19 it mounted into the machine?
20 **A.** Correct.
21 **Q.** And were you the one who physically
22 mounted it into the machine?
23 **A.** No.
24 **Q.** Who performed that job?

39

1 you performed?
2 **A.** I don't recollect.
3 **Q.** Okay. Have you ever designed a
4 machine?
5 **A.** A machine?
6 **Q.** Correct.
7 **A.** What's your definition of "a
8 machine"?
9 **Q.** Well, my question simply is, have
10 you ever designed a machine, to be more
11 specific, during your employment at Simonds.
12 **A.** No.
13 **Q.** In your opinion, were you qualified
14 during your employment at Simonds to design a
15 machine from beginning to end?
16 **A.** If I was given the project, I could
17 do it.
18 **Q.** What knowledge, in your opinion, do
19 you need to design a machine?
20 **A.** Imagination, and the rest of the
21 book knowledge.
22 **Q.** So is it your testimony that you
23 had the book knowledge to design a machine at
24 Simonds?

38

1 **A.** A mechanic.
2 **Q.** So how would you have gone about
3 performing Mr. Brault's part of the project
4 you worked on with him?
5 **A.** How would I?
6 **Q.** Correct.
7 **A.** Exactly the way he did.
8 **Q.** Well, if you can describe what
9 that --
10 **A.** Understand the project, and perform
11 what I had to do to get it done. What did he
12 do? I don't remember what was -- the project
13 itself except it was recip line.
14 **Q.** What other mechanical type of jobs
15 did you perform that you haven't testified
16 about already during your employment at
17 Simonds? And what you've already described
18 was during your second stint at Simonds,
19 right, when you were rehired after your
20 initial layoff? Is that fair to say?
21 **A.** As the project engineer?
22 **Q.** Correct.
23 **A.** Yes.
24 **Q.** Any other mechanical-type functions

40

1 **A.** Could have got it. You have to
2 know the product, too.
3 **Q.** So you could have got it, but you
4 didn't have that book knowledge at the time
5 you were employed by Simonds, isn't that fair
6 to say?
7 **A.** I'd say I had sufficient to get
8 myself going.
9 **Q.** Sufficient book --
10 **A.** I had mechanical in college.
11 **Q.** In college. Okay. But as you
12 testified before, you never had a mechanical
13 engineering degree, correct?
14 **A.** Correct.
15 **Q.** And I believe you testified at your
16 first deposition that you never performed the
17 duties of a mechanical engineer, right?
18 **A.** I said that before?
19 **Q.** That's my recollection. I'm not
20 trying to trick you, that's just what I recall
21 you testified.
22 **A.** My recollection was that I have.
23 **Q.** That you have performed the duties
24 of a mechanical engineer?

81

1 Q. -- during the last few years?
 2 A. No.
 3 Q. Do you have any impressions or --
 4 strike that. Did you, at the time you worked
 5 with Mr. Carnivale, have any impressions of
 6 him with respect to his job performance or
 7 character or otherwise?
 8 A. Fair guy, good guy. I think he was
 9 suited to the job he was in.
 10 Q. Did you ever seek any medical
 11 treatment or psychological treatment with
 12 respect to your layoff by Simonds?
 13 A. No.
 14 MR. SIGEL: I may be done. Just --
 15 actually, can we take a five-minute break?
 16 MR. FLICK: Sure.
 17 (A brief recess was taken.)
 18 MR. SIGEL: Back on the record.
 19 Q. Mr. Alberghini, is it your
 20 understanding that as part of the push Simonds
 21 was making toward lean manufacturing, that one
 22 of the results of that was your layoff?
 23 A. No.
 24 Q. Okay. So your understanding with

83

1 That was your question.
 2 Q. Correct.
 3 A. And I said I didn't think that was
 4 so because they hired engineers back in. Why
 5 would that be so? If they were trying to lean
 6 down, why did they hire people back in?
 7 Q. Well, is it your understanding that
 8 lean manufacturing -- strike that. It's not
 9 your understanding, is it, that lean
 10 manufacturing only related to numbers of
 11 employees but also into -- as to how things
 12 were accomplished, methodology of
 13 accomplishing manufacturing to make it more
 14 lean?
 15 A. So what's your question? I
 16 didn't --
 17 Q. Well, let me go back to what your
 18 understanding of what lean manufacturing is,
 19 one of those things you said was a good idea
 20 that Chip Holm had to do more with less,
 21 right?
 22 A. Uh-huh (affirmative response).
 23 Q. You have to answer verbally.
 24 A. Yes.

82

1 respect to why you were laid off you don't
 2 believe had anything to do with trying to
 3 get -- trying to have less people do more?
 4 A. They hired engineers after I left.
 5 So where does that come into play?
 6 Q. Okay. They hired engineers who you
 7 say you could have performed those jobs, that
 8 the engineers that were hired, including
 9 mechanical engineers, were hired after you
 10 left. Is it your testimony that you could
 11 have done what they did for the company?
 12 A. Are you relating that to the lean
 13 manufacturing?
 14 Q. Well, if you're saying that people
 15 were brought in after you which you're saying
 16 that that shows that -- I'm trying to
 17 understand what you mean by when you say
 18 people were brought in, that that somehow
 19 was -- you know, was not related to lean
 20 manufacturing.
 21 A. Your inference on your question was
 22 that they were bringing lean manufacturing and
 23 they were leaning back and everything else,
 24 and that's why they got rid of me, right?

84

1 Q. I'm not trying to confuse you here,
 2 I'm just trying to understand that do you
 3 think hiring a mechanical engineer after you
 4 were laid off somehow was contrary to lean
 5 manufacturing?
 6 A. Not at all.
 7 Q. Okay. And is it your testimony
 8 that if the company hired mechanical engineers
 9 after your layoff, that you could have
 10 performed the job of those mechanical
 11 engineers? In other words, you could have
 12 been hired for such a mechanical engineering
 13 position and not someone else?
 14 A. The thing is, I was on the job, I
 15 was at the plant, I knew the plant well, I
 16 knew the product, I had mechanical background,
 17 and there's no reason why I couldn't carry on
 18 in a project of lean manufacturing or anything
 19 else.
 20 You're bringing in a new guy, right
 21 out of school, a young fella. I'm not saying
 22 he's not bright or anything, because I'm sure
 23 they are if they've gone through WPI, which I
 24 believe he was graduated from. But he doesn't

Deposition of LOUIS P. ALBERGHINI, taken on 1/11/2005

85

1 have the experience, he didn't have the
2 knowledge of the plant or of the product. So
3 I felt I could have done a more than adequate
4 job.

5 Q. You're not saying that you
6 thought -- are you talking about Mr. Peter
7 Duperry?

8 A. Yes.

9 Q. And you're not testifying, are you,
10 that you think you were more qualified than
11 him to perform the job, right?

12 A. I don't know whether I'm more
13 qualified than him or not.

14 Q. Okay. But as a mechanical engineer
15 and someone with a mechanical engineering
16 degree, do you believe that he brought
17 something to the table to Simonds that you did
18 not have?

19 A. He didn't have the experience.
20 That's what I brought to the table.

21 Q. I understand. But what he brought
22 to the table was a mechanical engineering
23 degree that you did not have. And my question
24 is, isn't that something that is -- you

86

1 testified earlier that all things being equal,
2 you would hire someone with a mechanical
3 engineering degree, right?

4 A. Yes, but not -- we're not talking
5 about equality here. I had the experience, he
6 didn't. And I think that far outweighs book
7 learning.

8 Q. Well, you had the experience
9 working at the company. So you were familiar
10 with the company, right?

11 A. Company and product, machines.

12 Q. But you didn't design machines,
13 right?

14 A. I did not.

15 Q. You never performed the duties of a
16 manufacturing engineer.

17 A. No, I didn't.

18 Q. Or a product engineer.

19 A. Never asked to.

20 Q. Or a mechanical engineer, correct?

21 A. I have.

22 Q. You have of a mechanical engineer.

23 A. Some of the jobs I did required
24 mechanical engineering.

87

1 Q. Okay. I don't want to get back
2 into that because I think you spoke to that to
3 some degree. But you didn't perform the --
4 there were people at Simonds who were
5 mechanical engineers who had certain
6 responsibilities, right, had a certain set of
7 responsibilities, correct?

8 A. Like what set of responsibilities?

9 Q. Well, that's my question to you.
10 Do you know?

11 A. No.

12 Q. Okay. Well, Mr. Niemi you said you
13 knew was a mechanical engineer, right --

14 A. Yes.

15 Q. -- he had a certain set of
16 responsibilities.

17 A. He was more listed as a manager of
18 the engineering department.

19 Q. But he also performed --

20 A. Mechanical engineering.

21 Q. Right.

22 A. Yes.

23 Q. And he was -- he had a certain
24 educational background and experience

88

1 background in that regard that you did not
2 have, correct?

3 A. Educational and experience.

4 Q. Do you believe that when you were
5 laid off from Simonds you could perform all
6 the duties of a mechanical engineer?

7 A. I had the skills, I believe.

8 Q. To do all of them, all of the
9 duties.

10 A. I don't know.

11 Q. Do you believe that a mechanical
12 engineer without any other training could
13 perform all of the duties of an electrical
14 engineer, a degree which you had?

15 A. It's a hypothetical. I don't know.

16 Q. Well, there's some difference,
17 isn't there --

18 A. Probably not.

19 Q. Okay. Do you remember Mr. Holm
20 making the statement that the company had
21 twice as many engineers as you needed?

22 A. No.

23 Q. You're not saying he didn't say
24 that, you just don't recall it, right?

45

1 were at Simonds. Right?

2 A. I never had to. They never asked
3 me to. All's they had to do was ask me.
4 Assign me the project. And they'd know what I
5 could do. You'd know what I could do.

6 Q. But my question is now, regardless
7 of whether you were ever assigned that, you
8 never actually did it?

9 A. That's correct.

10 Q. Did you ever propose to anybody at
11 Simonds that you be given the job of designing
12 machines?

13 A. My boss has the -- has me in front
14 of him, has all his men, and he assigns the
15 work to him. I don't go up to him and say, "I
16 don't want to do this, I want to do this over
17 here." You do the work assigned to you. Did
18 they know I can do that? I don't know. Do
19 they know I could do this here? I don't know.

20 Q. Okay. But my only question was,
21 did you ever propose to any manager while you
22 were at Simonds that you be given an
23 opportunity to design any machine?

24 A. I don't think so.

47

1 A. You're like you're saying there's a
2 half here, I know this half, and I know that
3 half, I don't know this half.

4 Q. Right.

5 A. What half did I know? I know this
6 half, the basics.

7 Q. Right.

8 A. What is the other half?

9 Q. That's my question.

10 A. I don't know.

11 Q. Okay. So the other half of the
12 skill set or qualifications needed to design
13 machines, you don't know what that half is; is
14 that -- do I --

15 A. I don't know what you're going for.

16 Q. Well, I'm just trying to understand
17 your testimony. You have testified that you
18 had part of the educational background or
19 qualification to design a machine. I think
20 that's what your testimony was.

21 A. And I said it was the basics.

22 Q. And you said it was the basics. So
23 what I'm trying to understand is to -- what
24 the balance of that would be that you would

46

1 Q. You said there would be a certain
2 amount of book knowledge needed to design a
3 machine, right? And by that you mean some
4 kind of course of study, correct?

5 A. A certain amount.

6 Q. And you said that you could have
7 obtained that if you had been given the
8 opportunity?

9 A. I said I had part of it already.

10 Q. Okay. What part of it did you
11 have?

12 A. The basics, probably a little more
13 beyond the basics.

14 Q. Okay. What part did you not have?

15 A. I don't know.

16 Q. Well, you just testified that you
17 had part of it, and I'm just trying to
18 understand when you say you had part of it,
19 what part you think you still would have
20 needed.

21 A. I don't know how to answer that.

22 Q. Do you understand the question?

23 A. No.

24 Q. What don't you understand about it?

48

1 still need to be qualified to design a
2 machine.

3 A. Maybe experience.

4 Q. Okay. So you're saying not book
5 learning but on-the-job experience.

6 A. Sure.

7 Q. So is it your testimony that you
8 had all of the education -- academic education
9 needed to do that but just not the on-the-job
10 experience?

11 A. I said I had the basics.

12 Q. Okay.

13 A. From then on it's just extending it
14 into applying it.

15 Q. Okay. So you had the basics of the
16 education. So is it your testimony that you
17 would still need additional more advanced
18 education? And by "education" I mean not
19 on-the-job education but as you described it,
20 book learning education.

21 A. I think the experience would be
22 more suited to the advancement of my
23 mechanical part.

24 Q. Okay. So I understand this, you're

APPENDIX 19

Date 5/30/01

Terms and Conditions of Separation

Lou Alberghini

1. I understand that my employment with Simonds Industries Inc. will be terminated on May 31, 2001
2. I understand that I am eligible to receive up to 4 Months weeks separation allowance to begin on June 1, 2001 (date).
3. I understand, in accordance with Standard Corporate Practice 1211 that should I file for unemployment benefits, my separation allowance will permanently cease as of the date of such filing. For this reason, it is my intention to file for unemployment benefits only upon my receipt of all severance allowance provided for in the Agreement.
4. In consideration of the receipt by me of the separation allowance, I hereby release and forever discharge Simonds Industries Inc. and its corporate affiliates and their officers, directors, agents, and employees from any claim of any sort I may presently have or may have had against all of said companies or individuals arising out of my employment or its termination, except those claims already pending on the date hereof, as specifically noted below. (If "none", so state)

EXCLUSIONS

5. I understand that neither Simonds Industries Inc. nor I am bound to the terms of this understanding, unless and until approved by the President as evidenced by the President's signature.
6. I acknowledge that I have been given a copy of SCP-1211 and the opportunity to discuss the contents with counsel and I understand its provisions.

Louis Alberghini
Employee's Signature6/4/01
DateJohn A. Minni
Witness[Signature]
President6/4/01